

## **REMARKS/ARGUMENTS**

This Request for Continued Examiner is in response to the Decision from the Board of Patent Appeals dated January 17, 2007. Claims 1, 12 and 22 have been amended. New dependent claims 25-27 have been added. No new matter has been added. Claims 1-27 remain pending in this application with claims 1, 12 and 22 being the only independent claims. Reconsideration in view of the amendments to the claims and arguments presented below is respectfully requested.

### **Decision of the Board of Patent Appeals**

In the Decision of the Board of Patent Appeals dated January 17, 2007 the Board sustained the Examiner's rejection of: (i) claims 1-9, 11-19 and 21-24 under 35 U.S.C. §102(b) as anticipated by Williams; and (ii) claims 1-9, 24 under 35 U.S.C. §103(a) as obvious over Williams. However, the Examiner reversed the rejection of dependent claims 10 and 20 under 35 U.S.C. §103(a) as obvious over Williams in view of May.

Applicant submits that the amendments to the claims overcome the outstanding rejections for the reasons presented below.

### **Independent Claims 1, 12 and 22**

In their decision the Board in their discussion of Williams articulated a possible basis for distinguishing the invention over the prior art reference:

“We find that the backpack 58, including the shoulder straps 52, together with its enclosure 16, can reasonably be considered to be a ‘backpack’ as recited in each of appellant’s independent claims. In this regard, we note that appellant’s specification does not define the backpack or panels thereof so as to require that the panels are integral with or connected to any other portion of the backpack, such as the shoulder straps, for example.” (January 17, 2007 Decision of the Board of Patent Appeals: Page 4, line 18 – Page 5, line 2)

Thus, the Board has inferred that should the claims be amended to narrow in scope the definition of the backpack so as to require the panels to be integral with or connected to one another such a limitation would distinguish the claims over Williams.

Applicant has heeded the Board’s suggestion and amended independent claims 1, 12 and

22, accordingly. Specifically, claims 1 and 12, as amended, now require the backpack to have “a plurality of panels attached to one another forming a main compartment of the backpack”.

Similarly, claim 22, as amended, states “a main compartment of the backpack formed by a plurality of panels attached to one another.” Support for these amended limitations is found in the specification, as originally filed, on page 6, lines 2-5 and Figures 1-7 that show the panels of the backpack attached to one another. As acknowledged by the Board in their decision, the enclosure 16 in Williams et al. is separate from and not attached to the backpack 58.

Accordingly, the prior art fails to disclose the releasable securing device/zipper chain having a beginning end and a terminating end, “the terminating end being disposed on the back panel and the beginning end being disposed on the second panel” (as found in claims 1 and 12). Similarly, the prior art fails to disclose “the releasable securing device extending along at least two of the plural panels”, as found in claim 22. Instead, in Williams et al. the beginning end of the zipper 14c is disposed on the front and side panels of the enclosure 16, which is not part of the backpack itself since it is not attached to the other panels of the backpack. Moreover, Applicant submits that Williams et al. teaches away from any such motivation to attach the enclosure 16 to the backpack 58 since the enclosure 16 is intended to be removable depending upon the weather conditions (see abstract). Accordingly, Applicant asserts that independent claims 1, 12 and 22 are neither anticipated by nor obvious in view of Williams et al.

#### **New Dependent Claims 25-27**

New dependent claims 25-27 have been added to depend from independent claims 1, 12 and 22, respectively. Claims 25-27 state that the plural panels of the backpack are “integral with one another”. Referring to the Board’s decision quoted above with respect to claims 1, 12 and 22, the Board inferred that amending the claim to state that the panels of the backpack were integral with one another would distinguish the claim over Williams et al. Accordingly, Applicant submits that dependent claims 25-27 are patentable over the art of record.


**CONDITIONAL PETITION FOR EXTENSION OF TIME**

If entry and consideration of the amendments above requires an extension of time, Applicants respectfully request that this be considered a petition therefor. The Assistant Commissioner is authorized to charge any fee(s) due in this connection to Deposit Account No. 503462.

**ADDITIONAL FEE**

Please charge any insufficiency of fees, or credit any excess, to Deposit Account No. 503462.

Respectfully submitted,  
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